



**BILLING CODE: 8070-01-P**

## **FEDERAL HOUSING FINANCE AGENCY**

**[No. 2012-N-18]**

### **Privacy Act of 1974; System of Records**

**AGENCY:** Federal Housing Finance Agency.

**ACTION:** Notice of proposed establishment of new system of records; Request for comments.

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**SUMMARY:** In accordance with the requirements of the Privacy Act of 1974, as amended, 5 U.S.C. 552a (Privacy Act), the Federal Housing Finance Agency (FHFA) gives notice of and requests comments on the establishment of one new system of records.

The proposed new system of records is “National Mortgage Database” (FHFA-21).

**DATES:** The effective date of the notice is January 22, 2013 unless comments necessitate otherwise. FHFA will publish a new notice if, in order to review comments, the effective date is delayed or if changes are made based on comments received. To be assured of consideration, comments must be received on or before January 9, 2013.

**ADDRESSES:** Submit comments, identified by “2012-N-18,” using only one of the following methods:

- **E-mail:** Comments to Alfred M. Pollard, General Counsel, may be sent by e-mail to [RegComments@fhfa.gov](mailto:RegComments@fhfa.gov). Please include “2012-N-18” in the subject line of the message.
- **Federal eRulemaking Portal:** <http://www.regulations.gov>. Follow the instructions for submitting comments. If you submit your comment to the Federal

eRulemaking Portal, please also send it by e-mail to FHFA at [RegComments@fhfa.gov](mailto:RegComments@fhfa.gov) to ensure timely receipt by FHFA. Please include “2012-N-18” in the subject line of the message.

- U.S. Mail, United Parcel Service, Federal Express, or Other Mail Service: The mailing address for comments is: Alfred M. Pollard, General Counsel, Attention: Comments/2012-N-18, Federal Housing Finance Agency, 400 Seventh Street, SW., Washington, DC 20024. Please note that all mail sent to FHFA via the U.S. Postal Service is routed through a national irradiation facility, a process that may delay delivery by approximately two weeks. For any time-sensitive correspondence, please plan accordingly.
- Hand Delivered/Courier: The hand delivery address is: Alfred M. Pollard, General Counsel, Attention: Comments/2012-N-18, Federal Housing Finance Agency, 400 Seventh Street, SW., Washington, DC 20024. To ensure timely receipt of hand delivered package, please ensure that the package is delivered to the Seventh Street entrance Guard Desk, First Floor, on business days between 9 a.m. to 5 p.m.

See **SUPPLEMENTARY INFORMATION** for additional information on submission and posting of comments.

**FOR FURTHER INFORMATION CONTACT:** Stacy Easter, Privacy Act Officer, [privacy@fhfa.gov](mailto:privacy@fhfa.gov) or 202-649-3803, or David A. Lee, Senior Agency Official for Privacy, [privacy@fhfa.gov](mailto:privacy@fhfa.gov) or 202-649-3803 (not toll-free numbers), Federal Housing Finance Agency, Eighth Floor, 400 Seventh Street, SW., Washington, DC 20024. The telephone number for the Telecommunications Device for the Deaf is 800-877-8339.

## **SUPPLEMENTARY INFORMATION:**

### **I. COMMENTS**

FHFA seeks public comments on the proposed system of records, and will take all comments into consideration. See 5 U.S.C. 552a(e)(4) and (11). In addition to referencing “Comments/2012-N-18,” please reference “National Mortgage Database” (FHFA-21).

All comments received will be posted without change on the FHFA web site at <http://www.fhfa.gov>, and will include any personal information provided, such as name, address (mailing and email), and telephone numbers. In addition, copies of all comments received will be available without change for public inspection on business days between the hours of 10 a.m. and 3 p.m., at the Federal Housing Finance Agency, 400 Seventh Street, SW., Washington, DC 20024. To make an appointment to inspect comments, please call the Office of General Counsel at 202-649-3804.

### **II. INTRODUCTION**

This notice satisfies the Privacy Act requirement that an agency publish a system of records notice in the Federal Register when there is an addition or change to the agency’s systems of records. Congress has recognized that application of all requirements of the Privacy Act to certain categories of records may have an undesirable and often unacceptable effect upon agencies in the conduct of necessary public business. Consequently, Congress established general exemptions and specific exemptions that could be used to exempt records from provisions of the Privacy Act. Congress also required that exempting records from provisions of the Privacy Act would require the head of an agency to publish a determination to exempt a record from the Privacy Act as a rule in accordance with the Administrative Procedure Act. The Acting Director of

FHFA has determined that records and information in this system of records are not exempt from the requirements of the Privacy Act.

As required by the Privacy Act, 5 U.S.C. 552a(r), and pursuant to paragraph 4c of Appendix I to OMB Circular No. A-130, “Federal Agency Responsibilities for Maintaining Records About Individuals,” dated February 8, 1996 (61 FR 6427, 6435 February 20, 1996), FHFA has submitted a report describing the one system of records covered by this notice to the Committee on Oversight and Government Reform of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Office of Management and Budget.

### **III. PROPOSED SYSTEM OF RECORDS**

The new proposed system, “National Mortgage Database” (FHFA-21), will contain records related to loan-level information on first lien single-family mortgages.

The proposed system of records notice is set out in its entirety and described in detail below.

#### **FHFA-21**

##### **SYSTEM NAME:**

National Mortgage Database.

##### **SECURITY CLASSIFICATION:**

Sensitive but unclassified.

##### **SYSTEM LOCATION:**

Federal Housing Finance Agency, 400 Seventh Street, SW., Washington, DC 20024, and any alternate work site utilized by employees of the Federal Housing Finance Agency (FHFA) or by individuals assisting such employees.

## **CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals who have records in one or more credit bureaus, consumer reporting agencies, other Federal government systems of records, commercial data aggregators, or other commercial entities.

## **CATEGORIES OF RECORDS IN THE SYSTEM:**

Records include loan-level information on first lien single-family mortgages, including but not limited to the following data fields:

### **Mortgage Data:**

1. Sales price of home (or appraised value if a refinance)
2. Amount of down payment (zero if a refinance)
3. Mortgage insurance (e.g., yes/no)
4. Date of origination
5. Amount
6. Interest rate
7. Term to maturity
8. Type (e.g., FRM, ARM, etc.)
9. Product (e.g., conventional, FHA, VA, USDA RD, etc.)
10. Was a second mortgage obtained at origination of the first mortgage?
11. Purpose of loan

### **Property Characteristics:**

1. How occupied (e.g., rental, primary residence, etc.)
2. Type of home (e.g., single-family detached, townhouse, condo, manufactured home, etc.)

3. Number of units financed by the mortgage
4. New or existing property

Household Characteristics:

1. Adult composition of household (e.g., single male, married couple, etc.)
2. Age of borrower(s)
3. Total household income
4. Number of adult wage earners in household
5. Gender of borrower(s)
6. Metric of credit worthiness of borrower(s)
7. Debt-to-income ratio of borrower(s)
8. Education of borrower(s)
9. Ethnicity of borrower(s)

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

12 U.S.C. 4544.

**PURPOSE(S):**

The records in this system of records are maintained in order to facilitate mandatory reporting as well as to conduct research, performance modeling, and examination monitoring.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside FHFA as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

(1) When (a) it is suspected or confirmed that the security or confidentiality of information in the system of records has been compromised; (b) FHFA has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by FHFA or another agency or entity) that rely upon the compromised information; and (c) the disclosure is made to such agencies, entities, and persons who are reasonably necessary to assist in connection with FHFA's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

(2) Where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local, tribal, foreign or a financial regulatory organization, including the Financial Crimes Enforcement Network and other law enforcement and government entities, as determined by FHFA to be appropriate and that are charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing a statute, or rule, regulation or order issued pursuant thereto.

(3) To any individual during the course of any inquiry or investigation conducted by FHFA, or in connection with civil litigation, if FHFA has reason to believe that the individual to whom the record is disclosed may have further information about the

matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

(4) To any individual with whom FHFA contracts to reproduce, by typing, photocopy or other means, any record within this system for use by FHFA and its employees in connection with their official duties or to any individual who is utilized by FHFA to perform clerical or stenographic functions relating to the official business of FHFA.

(5) To members of advisory committees that are created by FHFA or by Congress to render advice and recommendations to FHFA or to Congress, to be used solely in connection with their official, designated functions and is related to the purpose for which FHFA collected the records.

(6) To a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

(7) To contractor personnel, grantees, volunteers, interns, and others performing or working on a contract, service, grant, cooperative agreement, or project for FHFA.

(8) To a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, or in connection with criminal law proceedings, or in response to a subpoena from a court of competent jurisdiction.

(9) To the Office of Management and Budget, Department of Justice (DOJ), Department of Labor, Office of Personnel Management, Equal Employment Opportunity Commission, Office of Special Counsel, Department of Homeland Security, or other



Federal agencies to obtain advice regarding statutory, regulatory, policy, and other requirements related to the purpose for which FHFA collected the records.

(10) To DOJ (including United States Attorney Offices) or other Federal agencies conducting litigation or in proceedings before any court, or adjudicative or administrative body, when it is necessary to the litigation and one of the following is a party to the litigation or has an interest in such litigation:

1. FHFA
2. Any employee of FHFA in his/her official capacity;
3. Any employee of FHFA in his/her individual capacity where DOJ or FHFA has agreed to represent the employee; or
4. The United States or any agency thereof, is a party to the litigation or has an interest in such litigation, and FHFA determines that the records are both relevant and necessary to the litigation and the use of such records is compatible with the purpose for which FHFA collected the records.

(11) To the National Archives and Records Administration or other Federal agencies pursuant to records management inspections being conducted under the authority of 44 U.S.C. 2904 and 2906.

(12) To a Federal agency, organization, or individual for the purpose of performing audit or oversight operations as authorized by law, but only such information as is necessary and relevant to such audit or oversight function.

(13) To Fannie Mae, Freddie Mac, or a Federal Home Loan Bank as it relates to the purpose for which FHFA collected the records.

(14) To the Consumer Finance Protection Bureau in order to facilitate reporting under the Dodd-Frank Wall Street Reform and Consumer Protection Act (Pub. L. 111-203), as well as to conduct research, performance modeling, and examination monitoring.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

None.

**POLICIES AND PRACTICE FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Records are maintained in electronic format, paper form, and magnetic disk or tape. Electronic records are stored in computerized databases. Paper and magnetic disc, or tape records are stored in locked file rooms, locked file cabinets, or locked safes.

**RETRIEVABILITY:**

Records may be retrieved by unique loan identifier, or other identifier.

**SAFEGUARDS:**

Records are safeguarded in a secured environment. Buildings where records are stored have security cameras and 24-hour security guard service. Computerized records are safeguarded through use of access codes and other information technology security measures. Paper records are safeguarded by locked file rooms, locked file cabinets, or locked safes. Access to the records is restricted to those who require the records in the performance of official duties related to the purposes for which the system is maintained.

**RETENTION AND DISPOSAL:**

Records are maintained in accordance with National Archives and Records Administration and FHFA retention schedules. Records are disposed of according to accepted techniques.

**SYSTEM MANAGER(S) AND ADDRESS:**

Project Manager, National Mortgage Database, Federal Housing Finance Agency,  
400 Seventh Street, SW., Washington, DC 20024.

**NOTIFICATION PROCEDURES:**

Direct inquiries as to whether this system contains a record pertaining to an individual to the Privacy Act Officer. Inquiries may either be mailed to the Privacy Act Officer, Federal Housing Finance Agency, 400 Seventh Street, SW., Washington, DC 20024, or submitted electronically at <http://www.fhfa.gov/Default.aspx?Page=236> in accordance with the procedures set forth in 12 CFR part 1204.

**RECORD ACCESS PROCEDURES:**

Direct requests for access to the Privacy Act Officer. Requests may either be mailed to the Privacy Act Officer, Federal Housing Finance Agency, 400 Seventh Street, SW., Washington, DC 20024, or submitted electronically at <http://www.fhfa.gov/Default.aspx?Page=236> in accordance with the procedures set forth in 12 CFR part 1204.

**CONTESTING RECORD PROCEDURES:**

Direct requests to contest or appeal an adverse decision for a record to the Privacy Act Appeals Officer. Appeals may either be mailed to the Privacy Act Appeals Officer, Federal Housing Finance Agency, 400 Seventh Street, SW., Washington, DC 20024, or submitted electronically at <http://www.fhfa.gov/Default.aspx?Page=236> in accordance with the procedures set forth in 12 CFR part 1204.

**RECORD SOURCE CATEGORIES:**

The information is obtained from credit repository files, other FHFA systems of records, other Federal government systems of records, commercial data aggregators, or other commercial entities.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

Dated: December 3, 2012.

— Edward J. DeMarco,  
Acting Director,  
Federal Housing Finance Agency.

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